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15 Attorneys for the Plaintiffs and Proposed

16 Settlement Class

17 **UNITED STATES DISTRICT COURT**
18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 **IN RE: MIDLAND CREDIT
MANAGEMENT, INC.,
TELEPHONE CONSUMER
PROTECTION ACT LITIGATION**

20 Case No. 11-md-2286-MMA (MDD)

21 Member cases: 10-cv-02261

22 10-cv-02600

10-cv-02368

10-cv-02370

23 **DECLARATION OF PLAINTIFF
EDUARDO TOVAR IN SUPPORT
OF PLAINTIFFS' UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AND
CERTIFICATION OF
SETTLEMENT CLASS**

24 Judge Michael M. Anello

25 I, EDUARDO TOVAR, declare:

- 26 1. I am one of the named Plaintiffs in the above captioned consolidated Multi-
27 District Litigation class action against Midland Funding, LLC ("Midland
28 Funding"), Midland Credit Management, Inc. ("MCM"), and Encore Capital

1
2 Group, Inc. ("Encore") (collectively referred to as "Defendants"). If called as
3 a witness, I would competently testify to the matters herein from personal
4 knowledge. I am filing this declaration in support of our request for
5 Preliminary Approval of the settlement.

- 6 2. I, through my counsel, brought a class action by and through my attorney's
7 David P. Schafer, Brian J. Trenz, and Kira M. Rubel against Defendants on
8 December 17, 2010 in the United States District Court for the Southern
9 District of California, claiming violation of Section 227(b)(3)(B) of the
10 Telephone Consumer Protection Act ("TCPA"), codified at 47 U.S.C. § 227
11 *et seq.* The complaint alleged that Defendants violated the TCPA by
12 robocalling my cellular telephone, or using an artificial or prerecorded voice,
13 while attempting to collect a debt without my prior express consent to do so.
14 My case was subsequently transferred to this Court for coordinated and
consolidated proceedings.

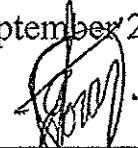
15 **FAIRNESS OF SETTLEMENT**

- 16 3. I have reviewed and signed the Settlement Agreement and have discussed the
settlement with my counsel. I believe the settlement is fair and reasonable. I
request that the Court approve the settlement. I am willing to serve as a class
representative and desire to be appointed as such for purposes of the
settlement. I understand the obligations of serving as a class representative; I
have represented, and will represent, adequately the interests of the putative
class, and I have retained experienced counsel. I understand my tasks as a
class representative and I have participated throughout this litigation in the
belief I was helping all other persons similarly situated.
- 17 4. I understand that my attorneys have requested that the three class
representatives be awarded incentive payments of up to \$2,500 each (total of

\$7,500) to be paid from the Settlement Fund. I understand that any such award has to be approved by the Court.

5. I support the request of my attorneys, Edelman, Combs, Latturner & Goodwin, LLC and Law Offices of Douglas J Campion, APC to be confirmed as class counsel for purposes of this action and for purposes of proceeding with the settlement.
6. I am not aware of any legal differences between me and the members of the settlement class, nor any unique facts about myself that are different from the members of the class for purposes of settlement and certifying a settlement class. To my knowledge, I have no interests in conflict with any other class members.
7. The claims asserted on my behalf in the Consolidated Complaint appear to be the same as the claims of the other class members, and my claims relate to the same issues of law and fact as the other class claims.

I declare under penalty of perjury that the foregoing is true and correct.
Executed under the laws of the United States on September 2, 2015.


Eduardo Tovar